



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22566 of 2021

Sundaramoorthy

... Petitioner

Vs.

The State
Rep by Station House Officer,
Karuvepilankuruchi-M3 Police Station,
Viruthachalam.
(Crime No.338 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner in an anticipatory bail in the event of arrest in connection with Crime No.338 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 189, 341, 353, 379, 430 IPC r/w 2(1) MM Act in Crime No.338 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had illegally transported 60kgs of river sand without any valid licence. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the co-accused were already enlarged on anticipatory bail by this Court in Crl.OP.No.15114 of 2021 dated 24.08.2021. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, he is ready and willing to contribute a sum of Rs.10,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for granting anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed for granting anticipatory bail by stating that petitioner had illegally transported 60 kgs of river sand by using motor vehicle without any valid licence

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner had willfully and on his own volition, he has agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Viruthachalam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten thousand only)] to the credit of " The Chief Educational Officer, Cuddalore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

[c] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner is directed to report before the respondent police as and when required for interrogation;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been



imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

29/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
VIRUTHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
KARUVEPILANKURICHI-M3 POLICE STATION,
VIRUTHACHALAM, CUDDALORE DISTRICT.

4 THE CHIEF EDUCATIONAL OFFICER,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.R.THIRUNEELAKANDAN Advocate on payment of
necessary charges SR.NO.13973

CRL OP.22566/2021

Date :29/11/2021